

CONFIDENTIAL SURREBUTTAL EXHIBIT SWH-1 (1 OF 2)

DUKE ENERGY PROGRESS

Request:

- 43-1 Please identify all litigation expenses contained in the Company's response to Utility Rates Request #26 that are related to Coal Ash.

CONFIDENTIAL Response:

All of the invoices listed in Utility Rates Request #26 (see confidential attached spreadsheet) relate to matters involving Coal Ash.



confidential DEP
ORS 43-1 Over 50k L

CONFIDENTIAL

Litigation Expense DEP 2017
DEP ORS 43-1

1st 399b Litigation, 397 KMP, Associates O, or 399b, OIA
All processes, including 399b, OIA
Customized/Outside Services
DEP accounts should be included

Transaction Date JD	Vendor Name JD	Invoice ID JD	Monetary Amount JD	Explanation for Legal Expenditure	Account	Process	BC Retail Allocation LAB 10.22%	BC Retail Allocation Excluded DOJ 0.60%
12-07-17	MCGUIRE WOODS LLP	92063034A	\$ 75,009.18	Payment for preparation of and participation in Rule 26(f) conference, payment for drafting and reviewing written discovery, and payment for research and analysis of each cause of action and affirmative defenses	0923000	UTIGAT	\$ 7,665.02	
12-22-17	EARTH FORENSICS INC	21912	\$ 89,840.00	Payment of fee for expert W. Richard Laton	0923000	DEPCWLG	\$ 9,180.54	
12-22-17	EXPONENT INC	347725	\$ 105,468.00	Payment of fee for expert Ann Michelle Morrison	0923000	DEPCWLG	\$ 10,777.53	
09-08-17	SMITH ANDERSON BLOUNT DORSETT	303942	\$ 51,627.60	Legal fees and expenses related to dispute over the minimum requirements in gypsum supply contract between DEP and CertainTeed	0923000	UTIGAT	\$ 5,275.71	
07-29-17	BEVERIDGE & DIAMOND PC	178274	\$ 59,953.15	Legal fees and expenses charged by the Court Appointed Monitor, which are excluded from cost of service	0923000	DOJ2015	\$ -	
10-20-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8150937	\$ 127,646.80	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 13,043.93	
11-20-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8156741	\$ 127,147.36	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 12,992.90	
08-16-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8143540	\$ 126,347.88	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 12,911.20	
07-21-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8125668A	\$ 125,884.62	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 12,863.86	
12-08-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8161426	\$ 125,880.80	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 12,863.47	
07-19-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8126219	\$ 125,114.72	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 12,785.19	
07-19-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8138468	\$ 125,092.55	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 12,762.92	
08-16-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8138689	\$ 125,018.46	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 12,775.56	
12-20-17	PILLSBURY WINTHROP SHAW PITTMAN LLP	8165789	\$ 113,553.32	Legal fees and expenses related to potential insurance recovery for coal ash	0923000	ASHLEGL	\$ 11,603.75	
05-01-17	HUNTON & WILLIAMS	112013976A	\$ 228,750.00	Defense of coal ash state enforcement litigation for DEP sites based on alternative fee arrangement	0923000	ASHLEGL	\$ 23,375.44	
10-25-17	HUNTON & WILLIAMS	112015118	\$ 73,000.00	Defense of coal ash state enforcement litigation for DEP sites based on alternative fee arrangement	0923000	ASHLEGL	\$ 7,459.70	
02-05-17	HUNTON & WILLIAMS	112013497A	\$ 59,437.50	Defense of coal ash state enforcement litigation for DEP sites based on alternative fee arrangement	0923000	ASHLEGL	\$ 6,073.79	
07-11-17	HUNTON & WILLIAMS	112014377	\$ 90,000.00	Payment for analysis of Roxboro Notice of Intent, analysis of potential declaratory judgment action, legal research regarding venue issues and Clean Air Act venue cases, and preparation of legal research memorandum on venue issues in Roxboro declaratory action	0923000	ASHLEGL	\$ 9,196.89	
09-29-17	HUNTON & WILLIAMS	112014566	\$ 80,715.54	Payment for analysis and review of complaint for declaratory relief, payment for fact investigation and development, review of background documents, and payment for preparation and filing of declaratory judgment action against RRBA	0923000	ASHLEGL	\$ 8,248.14	
12-07-17	HUNTON & WILLIAMS	112015384	\$ 188,728.71	Payment for travel and meetings with Wilkinson Walsh & Eskovitz (Trial Team) in Washington DC, payment for background investigation on Duke Energy expert witnesses, payment for compilation, review, and discussions of expert review materials, and tracking and management of data transmittals to defense experts, payment for preparation of responses and objections to the second set of discovery requests, payment for site visits with experts, expert depositions, preparation of expert reports and depositions of experts, and payment of vendor expenses for video services, DVD copies, deposition transcripts, and trial transcripts	0923000	DEPCWLG	\$ 20,307.53	
10-31-17	HUNTON & WILLIAMS	112015151	\$ 100,395.97	Payment for interviews of expert candidates, work on expert team and their materials, payment for preparation of responses and objections to RRBA's First Request to Permit Entry, stipulation regarding site inspection protocol, and Rule 26(j) report, and payment of preparation for RRBA 30(b)(6) deposition	0923000	DEPCWLG	\$ 10,259.23	
11-07-17	HUNTON & WILLIAMS	112015187	\$ 75,000.00	Defense of Mayo Citizen Suit based on alternative fee arrangement - payment of 1/2 of agreed fixed fee for anticipated work in obtaining a new expert team	0923000	DEPCWLG	\$ 7,664.08	
12-05-17	HUNTON & WILLIAMS	112015194	\$ 75,000.00	Defense of Mayo Citizen Suit based on alternative fee arrangement - payment of 1/2 of agreed monthly fixed fee for November 2017	0923000	DEPCWLG	\$ 7,664.08	
12-07-17	HUNTON & WILLIAMS	112015375	\$ 75,000.00	Defense of Mayo Citizen Suit based on alternative fee arrangement - payment of 1/2 of agreed monthly fixed fee for December 2017	0923000	DEPCWLG	\$ 7,664.08	
12-11-17	WILKINSON WALSH & ESKOVITZ LLP	419A	\$ 120,000.00	Trial team defense flat fee for December 2017	0923000	DEPCWLG	\$ 12,262.52	
12-05-17	WILKINSON WALSH & ESKOVITZ LLP	402A	\$ 80,000.00	Trial team defense flat fee for November 2017	0923000	DEPCWLG	\$ 8,175.02	
12-22-17	DAVID S KOSSON PHD	1215175260000DSK	\$ 99,266.62	Payment of fee for expert David S. Kesson	0923000	DEPCWLG	\$ 10,154.05	
12-22-17	EARTH FORENSICS INC	21813	\$ 91,325.00	Payment of fee for expert W. Richard Laton	0923000	DEPCWLG	\$ 9,332.29	
12-22-17	EXPONENT INC	347724	\$ 73,976.68	Payment of fee for expert Ann Michelle Morrison	0923000	DEPCWLG	\$ 7,559.51	
12-22-17	EXPONENT INC	345095	\$ 70,289.60	Payment of fee for expert Ann Michelle Morrison	0923000	DEPCWLG	\$ 7,182.73	
12-07-17	HUNTON & WILLIAMS	112015386	\$ 241,938.92	Payment of preparation of discovery motions and responses to discovery, payment for site visits with experts, payment for preparation of expert discovery, payment of vendor for deposition transcripts, and payment for participation in meetings with Clean Water Act trial team	0923000	DEPCWLG	\$ 24,723.16	
11-07-17	HUNTON & WILLIAMS	112015188	\$ 75,000.00	Defense of Roxboro Citizen Suit based on alternative fee arrangement - payment of 1/2 of agreed fixed fee for anticipated work in obtaining a new expert team	0923000	DEPCWLG	\$ 7,664.08	
12-05-17	HUNTON & WILLIAMS	112015195	\$ 75,000.00	Defense of Roxboro Citizen Suit based on alternative fee arrangement - payment of 1/2 of agreed monthly fixed fee for November 2017	0923000	DEPCWLG	\$ 7,664.08	
12-07-17	HUNTON & WILLIAMS	112015376	\$ 75,000.00	Defense of Roxboro Citizen Suit based on alternative fee arrangement - payment of 1/2 of agreed monthly fixed fee for December 2017	0923000	DEPCWLG	\$ 7,664.08	
09-05-17	HUNTON & WILLIAMS	112014760	\$ 64,513.85	Payment for legal research for motion to dismiss, payment for drafting, finalizing, and filing dispositive motions and briefs, and payment for participation in strategy conferences	0923000	ASHLEGL	\$ 6,592.52	
12-22-17	JOHN H RODGERS	0001R	\$ 50,385.89	Payment of fee for expert John H. Rodgers from 9/28/2017 - 12/1/2017	0923000	DEPCWLG	\$ 5,148.82	
12-11-17	WILKINSON WALSH & ESKOVITZ LLP	419B	\$ 120,000.00	Trial team defense flat fee for December 2017	0923000	DEPCWLG	\$ 12,262.52	
12-05-17	WILKINSON WALSH & ESKOVITZ LLP	402B	\$ 80,000.00	Trial team defense flat fee for November 2017	0923000	DEPCWLG	\$ 8,175.02	